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Name: Peggy Nichols

By: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Inventors: Jin JEN, et al.

Serial No.: 09/646,478

Filing Date: September 15, 2000

For: METHODS FOR THE DIAGNOSIS
AND TREATMENT OF LUNG CANCER

Commissioner for Patents
Washington, DC 20231

Sir:

**RENEWED REQUEST UNDER 37 C.F.R. § 1.497(d)
AND PETITION FOR SUSPENSION OF THE RULES UNDER 37 C.F.R. § 1.183**

This Renewed Request is filed in response to the Decision dated August 14, 2001, a copy of which is enclosed for the Office's convenience. A period of two months to file a response was granted, i.e., by October 14, 2001. Enclosed herewith is a Petition for a Five (5) Month Extension of Time and authorization to pay the five month extension fee. In view of the filing of the Petition for an Extension of Time and payment of a fee, a response is now due by no later than March 14, 2002. Accordingly, this Renewed Request is timely filed.

In the August 14, 2001 Decision, Applicants were requested to file the following items to add David Sidransky as a co-inventor of the subject application:

1. Statement by Omitted Inventor, David Sidransky;
2. Consent of Assignees to the addition of David Sidransky; and
3. Payment of the Petition fee of \$130.00 (37 C.F.R. § 1.17(i)).

Enclosed are David Sidransky's Statement and Consent of Assignees. Authorization is given to charge the amount of the Petition fee to the undersigned's Deposit Account, number **50-1189**.

The August 14, 2001 Decision also indicated that the Oath or Declaration signed by all inventors (including David Sidransky) was improper on the ground that multiple signature pages were attached to one copy of pages 1 and 2 of the Declaration. On pages 2 and 3 of the Decision, the Office noted that:

"The declaration filed 17 January 2001 is also improper for the following additional reason. It is not sufficient to submit only the signature page of the declaration. Applicant must file either: 1) a single complete declaration, signed by all of the inventors or 2) multiple complete declarations, with each inventor's signature appearing on one of the multiple complete declarations."

Applicants' attorney is unable to provide either option 1) or 2). Option 1) is unavailable because the inventors did not sign at the same location, i.e., multiple complete declarations were executed. Option 2) is unavailable because the Office has in its possession the original signature pages of each of the multiple declarations.

Attached are copies of multiple declarations with at least one inventor's signature appearing on each copy of the declaration. As the Office will note, the Declaration filed on January 17, 2001 is in substance identical to the multiple copies enclosed herewith and conforms with the Office's suggested format (See MPEP §

602).

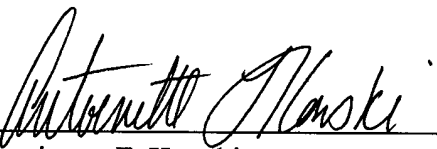
For these reasons, Applicants' undersigned attorney respectfully Petitions the Office Under 37 C.F.R. § 1.183 for acknowledgement and acceptance of the Declaration filed January 17, 2001. Any fee due in connection with the filing of the Petition Under 37 C.F.R. § 1.183 can be charged to Deposit Account 50-1189 (Referencing Billing No. 19442-7030).

Applicants also respectfully request a filing date be accorded to the subject application. Applicants' attorney further Petitions for any and all relief required to perfect the filing of the subject application before the U.S. Patent and Trademark Office. All fees which may be due in connection with the granting of this relief may be charged to Deposit Account No. 50-1189 (Billing Ref.: 19442-7030).

If a telephone interview would advance processing and examination of the subject application, the Office is invited to contact the undersigned at 650-849-4950.

Respectfully submitted,

Dated: February 19, 2002

By: 
Antoinette F. Konski
Registration No.: 34,202

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Three Embarcadero Center, Suite 1800
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By: Peggy Nichols Name of person signing: PEGGY NICHOLS

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Commissioner for Patents
Washington, DC 20231

Sir:

STATEMENT BY OMITTED INVENTOR – DAVID SIDRANSKY

I am the David Sidransky who is to be added as an inventor of the above-identified application. The omission in being named as an inventor occurred without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/12/01


David Sidransky



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Name: <u>P. Nichols</u>	By: <u>Peggy Nichols</u>

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For: METHODS FOR THE
DIAGNOSIS AND TREATMENT OF
LUNG CANCER

Commissioner for Patents
Washington, DC 20231

Sir:

CONSENT OF ASSIGNEES TO CHANGE INVENTORSHIP

Genzyme Corporation and the Johns Hopkins University, the Assignees of the entire interest of the above-identified application by virtue of assignments, copies of which are attached hereto, consent to the change of inventorship of the subject application to add David Sidransky as a joint inventor.

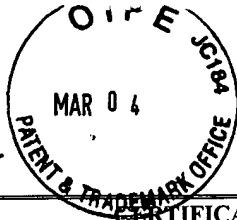
Genzyme Corporation

Date: February 13, 2002
By: [Signature]
Name: Thomas J. DesRosier
Title: Chief Patent Counsel
Metrowest Place
15 Pleasant St. Connector
Framingham, MA 01701

John Hopkins University

Date: _____
By: _____
Name: _____
Title: _____

John Hopkins University School of Medicine
824 Ross Research Building, 720 Rutland
Baltimore, MD 21202



PATENT
Docket No.: GZ 201800

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Genzyme Corporation

Date: _____
By: _____
Name: _____
Title: _____
Metrowest Place
15 Pleasant St. Connector
Framingham, MA 01701

John Hopkins University

Date: 1/7/02
By: R. Keith Baker
Name: R. Keith Baker, Ph.D.
Title: Director, Office of Technology Licensing
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824 Ross Research Building,
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Baltimore, MD 21202